

AP

Notice of Allowability	Application No.	Applicant(s)	
	10/701,201	MAGARILL, SIMON	
	Examiner	Art Unit	
	James W. Cranson	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 06/09/2005.
2. ☒ The allowed claim(s) is/are 43-92 and 94-99.
3. ☒ The drawings filed on 04 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Arguments and Amendment

Applicant's arguments, see statement of remarks, filed 06/09/2005, with respect to Office action mailed 03/16/2005 have been fully considered and are persuasive. The rejection of claims 43,47,48,56,81,85 and 86 under 35 USC 102(e) as being anticipated by U.S. 2004/0202007A1 to Yagi has been withdrawn and the rejection of claims 59-68 under 35 USC 102 (e) as being anticipated by U.S. 2002/0191395A1 to Fleury has been withdrawn. Further, the rejection under 35 USC 103(a) of claims 44-46, 49, and 82-84 as being unpatentable over Yagi is withdrawn.

Allowable Subject Matter

Claims 43-92 and 94- 99 are allowed.

The following is an examiner's statement of reasons for allowance: Yagi does not meet the limitation of independent claim 43 that the portion of the reflector intersecting with the plane extends closer to the focus than the other portions of the reflector that do not intersect with the plane. Accordingly, since Yagi does not teach all the elements of claim 43, claim 43 is allowable over the art of record. Claims 47,48 and 56 depend from claim 43 and are allowable for the same reasons. Claim 81 has been amended to include the features of canceled claim 93 which prior office action found have allowable subject matter. Claim 81 is therefore allowable. Claims 85 and 86 depend from claim 81 and are allowable for the same reasons.

Fleury does not meet the limitation of independent claim 59 that the first and second axes of first and second reflecting axes are non-parallel to each other as illustrated in instant invention figure 5. Accordingly, since Fleury does not teach all the elements of

Art Unit: 2875

claim 59, claim 59 is allowable over the art of record. Claims 60-68 and 98-99 depend from claim 59 and are allowable for the same reasons.

Claims 44-46,49 and 82-84 are rejected as unpatentable over Yagi. These claims depend either directly or indirectly from claims 43 and 81 and are allowable for the same reasons.

Therefore, the prior art does not disclose or teach the limitations of claims 43-92 and 94-99.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W Cranson whose telephone number is 571-272-2368. The examiner can normally be reached on Mon-Fri 8:30A.M.- 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O`Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).




ALAN CARIASO
PRIMARY EXAMINER